

ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only

Case No. 103 (10)

Date Filed 5/14/98

Hearing Date 5/14/98

Pre-Conf. _____

Receipt _____

Fee \$1050

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name See attached - Joseph D. Deibert Phone Number _____

Address P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Property Owner see attached (petitioner) Phone Number call attorney

Address _____
Street Number Street State Zip Code

Contract Purchaser See attached Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Hertsch, Gessner & Snee, P.A.
Address 11 South Main Street, P.O. Box 1776 Bel Air MD 21014
Street Number Street State Zip Code

Land Description

Address and Location of Property (with nearest intersecting road) 2700 Laurel Brook Road

Subdivision _____ Lot Number _____ Acreage/Lot Size 172.22± Election District 3

Existing Zoning AG Proposed Zoning RR Acreage to be Rezoned 5875

Tax Map No. 54 Grid No. 1F Parcel 16 Deed Reference 457/77

Critical Area Designation _____ Land Use Plan Designation Rural Residential

Present Use and ALL improvements: single family dwelling - outbuildings

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) single family
residential - conservation development standards

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No

If yes, describe: _____

Estimated Time Requested to Present Case: 1 hour

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

- (4) All surrounding zoning.
- (5) Proposed public or private capital improvements.
- (c) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.
- (f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.
- (g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.
- (h) Private restrictions or covenants, if any, applicable to subject parcel.
- (i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.
- (j) Availability of public water and sewer.

Additional Information as Required by the Department of Planning and Zoning

- (a) Existing and proposed libraries, parks, schools, fire and police departments.
- (b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.
- (c) Traffic impact study.
- (d) Economic and Environmental impact studies.
- (e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.
- (f) Soils analysis.
- (g) Aerial photograph.

CASE NO. 103 MAP 54 TYPE Rezoning

ELECTION DISTRICT 3 LOCATION 2700 Laurel Brook Road, Fallston, Md. 21047

BY Joseph D. Deigert, P.O. Box 7, Fallston, Md. 21047 (OWNER: Milton W. Martin, Helen Martin and Angela C. Meise)

Appealed because Section 267-12A of the Harford County Code requires approval by the Board to rezone 68.45 acres from an Agricultural District to an RR District.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

SEE ATTACHED


Signature of Applicant/Owner Date


Witness Date


See attached


Signature of Contract Purchaser/Owner Date

Witness Date

 5/15/98
Signature of Attorney/Representative Date

 5/15/98
Witness Date

 5/15/98
Director of Planning and Zoning Date


Zoning Staff Date

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2 : 7877.DOC
200560

AMENDED
ATTACHMENT TO ZONING RECLASSIFICATION APPLICATION OF
JOSEPH D. DEIGERT (MARTIN PROPERTY)

The Zoning Reclassification Application requests the following information.

Petitioner's submission is as follows:

"(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation."

Petitioner: See attachment A-1, List of Owners of Property Within 500 Feet of the Subject Property.

"(b) A statement of the grounds for the application including:

"(1) A statement as to whether there is an allegation of mistake as to the existing zoning and, if so, the nature of the mistake and facts relied upon to support this allegation."

Petitioner: A mistake occurred in the legal sense when the subject property was zoned AG during the last Comprehensive Rezoning in 1989. The County Council erroneously assumed that the subject property should be zoned AG. As a result of development in the area, changes in the Master Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the property's AG zoning classification is no longer appropriate. The subject property should be rezoned RR as requested.

"(2) A statement as to whether there is an allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change."

Petitioner: Petitioner makes such an allegation. As a result of development in the area, changes in the Master Plan and other factors which have occurred since the last Comprehensive Rezoning in 1989, the neighborhood has substantially changed.

"(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion."

Petitioner: The proposed classification is in conformance with the Master Plan.

"(d) A concept plan shall be submitted by the applicant at the time the application is filed. The concept plan shall illustrate the following:

1. Location of site;
2. Proposed general nature and distribution of land uses but need not include engineered drawings;
3. Neighborhood;
4. All surrounding zoning; and
5. Proposed public or private capital improvements.

Petitioner: See attachment A-2.

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"(e) List previous rezonings and recommendations since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions."

Petitioner: None.

"(f) Map indicating woods, fields, streams, floodplains, non tidal wetlands, etc."

Petitioner: See Attachment A-3

"(g) Property deed, and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property."

Petitioner: See Attachments A-4 (Title Deed) and A-3

"(h) Private restrictions or covenants, if any, applicable to subject parcel."

Petitioner: None

"(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted."

Petitioner: None .

"(j) Availability of public water and sewer."

Petitioner: Private wells and septic systems will serve the subject property.

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ATTACHMENT TO ZONING RECLASSIFICATION APPLICATION OF
MILTON W. MARTIN, ET. AL.

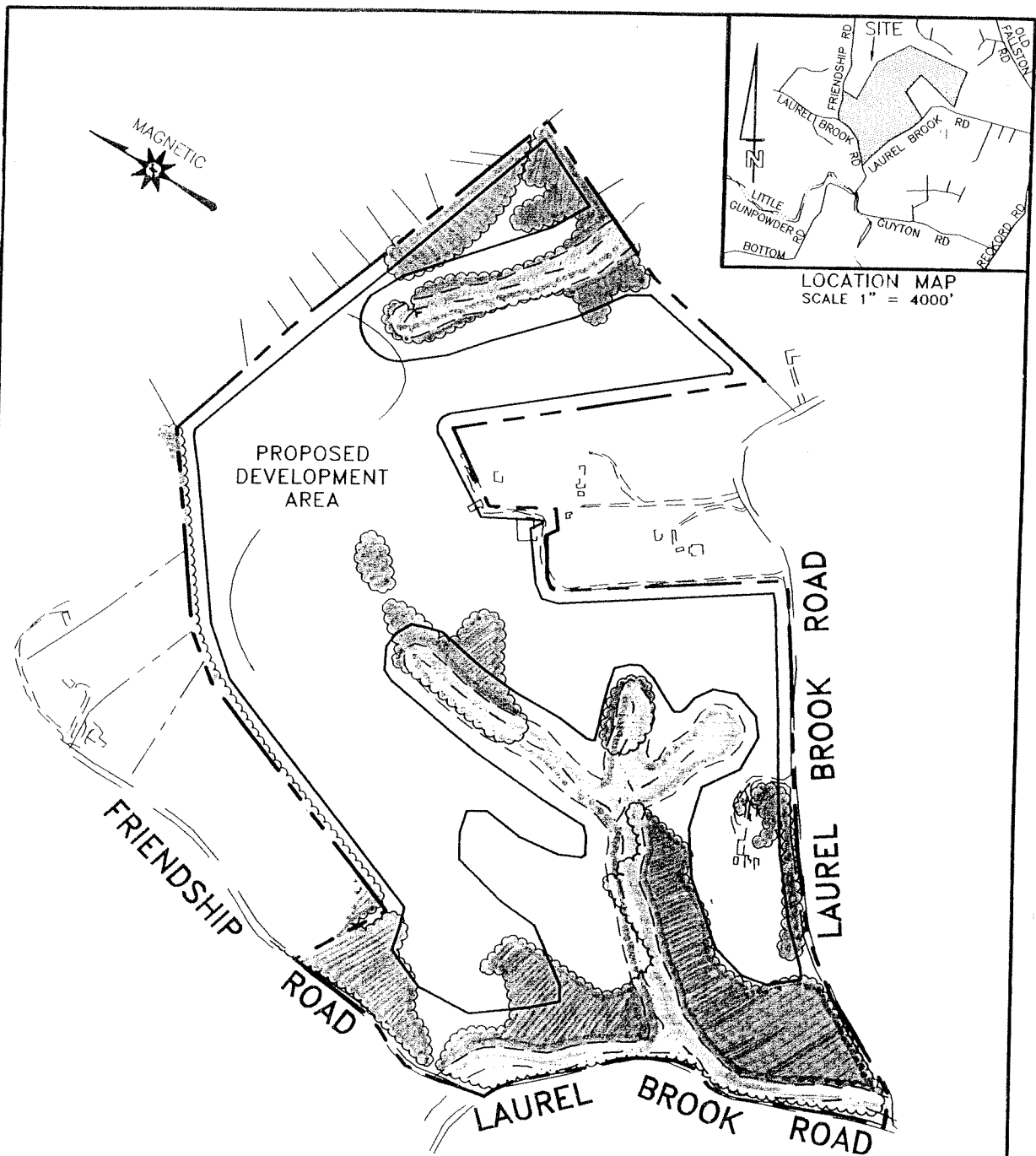
LIST OF OWNERS OF PERSONS HAVING LEGAL OR EQUITABLE INTEREST IN
THE SUBJECT PROPERTY

None, other than property owner and contract purchaser.

The portion of property considered for rezoning is actually shown on map 77-48.

Comprehensive Zoning Log

Issue #	Date	C P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	R2	PAB	P-Z	C-C
B033	10-11-96 JJ		01050451	652A	780		John & Barbara Jones	NS Rt. 7 E of Faber Rd.	1.31	1.31	R1	IC1	LI	LI	LI
B034	10-11-96 JJ		01050443	652A	832		John & Barbara Jones	608 Old Philadelphia Rd Joppa	1.18	1.18	R1	IC1	LI	LI	LI
B035	10-11-96 JJ		01020943	652A	122		Virginia Cate & David Evans	NS Rt. 7 N of Joppa	14.724	14.724	R1	IC1	LI	LI	LI
B036	10-11-96 ARE		01019554	562C	60		Caddie Homes (Haron Dahan)	W S Rt 24 Emmorton	48.045	46.545	R4 & B3	R4	R4 & R3	R4	R4
B037	10-11-96 F		03052591	553D	171		William & Catherine McAllister	1813 Balair Rd S of Benson	22.33	21	AG	CI	AG	AG	AG
B038	10-11-96 F		04082052	391D	38		Morning Brook LLC (Michael Zullo)	1751 Morse Rd. E of Putnam	122.2	122.2	AG	RR	AG	AG & RR	RR
B039	10-11-96 F		04005201	391D	208		Morning Brook LLC (Michael Zullo)	Morse Rd. E of Putnam	30	30	AG	RR	AG	AG	RR
B040	10-11-96 F		03063917	483D	68		Profil, Inc. (Virgil Profil)	ES Waterville Rd. N of Fallston	114.377	114.377	AG	RR	AG	AG	RR & AG
B041	10-11-96 JJ		01027018	653B	443		701 Pulaski Gt Pte. (Mervyn Thompson)	E S Oak Avenue	300 X 550	300 X 550	R1	B3	R1	R1	R1
B042	10-11-96 JJ		01027026	653B	434		701 Pulaski Gt Pte. (Mervyn Thompson)	E S Oak Avenue	300 X 550	300 X 550	R1	B3	R1	R1	R1
B043	10-11-96 ARE		01188062	563E	565, lot 1		David S. Eng	2512 Laurel Bush Road	1.25	1.25	R1	R3	R1	R1	R1
B044	10-11-96 ARE		01188054	563E	565, lot 2		David S. Eng	2510 Laurel Bush Road	.50	.50	R1	R3	R1	R1	R1
B045	10-11-96 F		03174352	554C	420		Lorrie Carter	3000 Bal Air Rd	5.009	5.009	AG	B3	AG	AG	AG
B046	10-11-96 F		03032248	541E	11		Heien Breeden	1614 Laurel Brook Rd Fallston	47.8	47.8	AG	RR	AG	RR	RR
B047	10-11-96 F		03059936	481A	4		Fallston Valley Farms (Joseph Disgert)	1415 Ryan Rd Fallston	139.3	139.3	AG	RR	AG	RR	RR
B048	10-11-96 F		03033643	541E	12		Est. of Charles L. Canady	1600 Laurel Brook Rd	57.497	57.497	AG	RR	AG	RR	RR
B049	10-11-96 F		03055477	482B	6		Harry & Ann O'Neill	1800 Angleside Rd Fallston	50.95	50.95	AG	RR	AG	RR	RR
B050	10-11-96 BF		03273423	404D	55		Colgate Investments (Howard Kiehl)	1701 Grafton Shop Rd	161.477	161.477	AG	RR	AG	RR	RR
B051	10-11-96 F		03049671	474E	224		Cornelia Lacoste	1717 Laurel Brook Rd	29	29	AG	RR	AG	RR	RR
B052	10-11-96 F		03052222	541F	16		Milton & Helen Martin, Angela Meise	2700 Laurel Brook Rd	172.22	172.22	AG	RR	AG	RR	RR
B053	10-11-96 F		04079140	392A	135		George & Susan Thoupous	2226 Rutledge Rd	16.484	16.484	AG	RR	AG	RR	RR
B054	10-14-96 ARE		01030418	611F	32		Vernon R. Patten	3029-31 Abingdon Rd	.96	.96	AG	RR	AG	RR	RR
B055	10-14-96 F		04004469	383F	81		Hazel Bayne & Joanne Bayne Trotti	2352 Engle Rd Fallston	30.51	30.51	AG	RR	AG	RR	RR
B056	10-14-96 JJ		01005790	613A	495		T.C. Simon (Robert Cooper)	2216-2218 Old Mountain Rd	1.651	1.651	AG	CI	AG	AG	AG



SITE DATA

1. TOTAL ENCLOSED AREA: 172 Ac.±
2. PRESENT ZONING: A-1
3. DEED REFERENCE: 457/77
4. TAX MAP #54, PARCEL #16

KEY

- GRASS AREA
- STREAM AND ASSOCIATED BUFFERS
- WOODED AREA (EXISTING)

CNA

campbell & nolan associates, inc.

Civil Engineers * Land Surveyors * Geotechnical Engineers
P.O. Box 441 * Bel Air, Maryland 21014-0441
(410)879-7200 * (410)838-2784 * Fax(410)838-1811

EXISTING PHYSICAL FEATURES PLAN

MARTIN PROPERTY

THIRD ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

SCALE: 1" = 500'

DATE: 4/13/98

DRAWN BY: C.J.L.

JOB NO.: 60229